

Steven L. Beshear
Governor



Kevin M. Noland
Interim Commissioner of Education

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
DEPARTMENT OF EDUCATION**

Capital Plaza Tower • 500 Mero Street • Frankfort, Kentucky 40601
Phone: (502) 564-4770 • www.education.ky.gov

August 3, 2009

Dr. Joseph C. Conaty
Delegated Authority to Perform the Functions and Duties of the
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW, Suite 3E314
Washington, D.C. 20202

Re: Request from Kentucky to Waive the 14-Day Parent Notice Requirement for Public School Choice and Amend Kentucky's State Application Accountability Workbook

Dear Dr. Conaty:

I am writing on behalf of the state of Kentucky to request a one-year waiver of the Title I, Part A requirement for a local educational agency (LEA) to provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year (34 C.F.R. § 200.37(b)(4)(iv)). This waiver would apply only with respect to students in schools that could be newly identified for improvement for the 2009-10 school year or that could possibly exit improvement, corrective action or restructuring for the 2009-10 school year. Kentucky seeks a waiver of this provision and requests a delay of public reporting of No Child Left Behind (NCLB) results until the week of September 21, 2009.

Kentucky initially notified the U. S. Department of Education regarding a request for the amendment of the Kentucky State Application Accountability Workbook in an April 23 letter (See Attachment A). Kentucky's requests are based primarily on two significant, federally declared disasters associated with weather conditions occurring in Kentucky during the 2008-09 school year: the severe windstorm associated with Tropical Depression Ike in September 2008 and the severe ice storm in January 2009.

The storms resulted in districts having less instructional days prior to the testing window, thus potentially affecting test results. The loss of instructional days was significant enough for Kentucky to extend the spring 2009 testing window through late-May, making it impossible, both fiscally and logistically, for our vendor to return results prior to September.

It is important to point out that Kentucky is not requesting schools be exempted from NCLB consequences due to the weather and lost instructional time. Kentucky has already notified the

89% of Kentucky schools with confirmed adequate yearly progress (AYP) school status, in compliance with section 1111 of the ESEA, to implement the required provisions under section 1116 for parent notice of school choice before the beginning of the 2009-10 academic year. Specifically, the waiver request of the 14-day parental notification is for 11% of schools whose AYP status is undetermined until NCLB results are reported in September.

A summary of Kentucky school districts (county and independent) and students impacted by the severe wind storm associated with Tropical Depression Ike and the January/February 2009 ice storm follows:

Kentucky Federal Disaster Declaration

Federal Disaster Counties	Severe Wind Storm (Ike) * September 2008	Ice Storm Jan/Feb 2009
Impacted School Districts	53	141
% Impacted School Districts	30%	81%
Impacted Students	281,246	574,469
% Impacted Students	43%	87%

* Severe wind storm disaster counties also were seriously affected by the ice storm and were again declared federal disaster counties.

A detailed explanation for Kentucky's initial request, effect on validity and reliability, vendor scoring, reporting and impact on parental notification is provided in Attachment A: April 23, 2009 Letter to Dr. Joseph C. Conaty, requesting to amend Kentucky's State Application Accountability Workbook.

After the submission of the April 23 letter and during the state testing window, Kentucky experienced a third Federal Disaster Declaration. The impact was isolated to the far eastern part of Kentucky in the Appalachian region. Although multiple students and schools were impacted, Kentucky was able to work with schools to complete NCLB testing with one exception -- Belfry Middle School in Pike County. While students completed testing in the NCLB content areas, the student test booklets were destroyed by water and hazardous mud from coal mines. The contamination was so great that Belfry was not permitted to reopen for the remainder of the 2008-09 school year. Belfry is a non-Title I school that has made AYP since 2007. Kentucky is requesting a waiver to remove Belfry Middle School from NCLB reporting in 2008-09. Supporting documentation is provided in Attachment B: Third Federal Disaster Declaration, Impact on Belfry Middle School, Pike County.

After the first two disasters, Kentucky established the following timeline for administering and scoring assessments and for determining AYP based on those assessments:

ID	Task Name	Start	Finish
1	Start of Test Administration Window 1	04/20/2009	04/20/2009

2	Start of Test Administration Window 2	04/27/2009	04/27/2009
3	Start of Test Administration Window 3	05/04/2009	05/04/2009
4	Start of Test Administration Window 4	05/11/2009	05/11/2009
5	UPS picks up completed test materials for Test Administration Window 1 schools.	05/07/2009	05/07/2009
6	UPS picks up completed test materials for Blue Dot schools.	05/12/2009	05/12/2009
7	UPS picks up completed test materials for Test Administration Window 2 schools.	05/14/2009	05/14/2009
8	UPS picks up completed test materials for Test Administration Window 3 schools.	05/21/2009	05/21/2009
9	UPS picks up completed test materials for Test Administration Window 4 schools.	05/26/2009	05/26/2009
10	UPS picks up completed test materials for 10 largest school districts.	06/01/2009	06/01/2009
11	Testing Contractor login of test materials	05/09/2009	06/19/2009
12	Testing Contractor scans student test booklets. <ul style="list-style-type: none"> Grades 3 and 4 are combined test booklets. Grades 5-8, 10 and 11 are answer booklets. 	05/10/2009	06/22/2009
13	Testing Contractor resolves student test book discrepancies.	05/16/2009	06/26/2009
14	KDE assists contractor in discrepancy resolution.	06/26/2009	07/02/2009
15	Testing Contractor scoring of student reading, mathematics, science, social studies open response (constructed response) and On-Demand Writing	07/01/2009	07/20/2009
16	Alternate Assessment data received from UK/KDE.	07/21/2009	07/21/2009
17	District's final opportunity to cleanup student biographic and demographic information before reporting.	07/31/2009	08/07/2009
18	Testing Contractor sends psychometric files to third party contractor that replicates scaling and equating, e.g., a Q/C step.	08/03/2009	08/03/2009
19	Scaling and equating by testing contractor and third-party contractor completed.	08/03/2009	08/10/2009
20	Testing Contractor provides preliminary state results to KDE for approval.	08/13/2009	08/13/2009
21	KDE approves state results.	08/14/2009	08/14/2009
22	Testing Contractor performs data analysis and Q/C steps.	08/15/2009	09/07/2009
23	Testing Contractor delivers AYP data files to KDE.	09/08/2009	09/08/2009

24	KDE creates NCLB accountability reports.	09/09/2009	09/17/2009
25	All District Assessment Coordinators (DACs) meet at KDE (Frankfort KY) to review and perform final quality assurance steps for AYP and Kentucky Core Content Test results.	09/15/2009	09/15/2009
26	KDE and Testing Contractor correct discrepancies discovered by DACs when reviewing local results.	09/17/2009	09/17/2009
27	Testing Contractor runs final electronic student listing reports for district and schools and creates Web-based reports.	09/18/2009	09/22/2009
28	KDE runs final NCLB accountability reports and KCCT summary reports for districts and schools and creates Web-based reports.	09/18/2009	09/22/2009
29	Testing Contractor prints Individual Student Reports (Parent Reports) and ships printed reports to schools.	09/22/2009	10/08/2009
30	NCLB and Kentucky Core Content Test results are publicly released.	09/23/2009	09/23/2009

In order for Kentucky and its LEAs to have sufficient time to carry out the assessment timeline and ensure statistically valid and reliable AYP determinations, a waiver of the 14-day parent notice requirement and later reporting is necessary. Kentucky must be able to ensure valid and reliable AYP determinations so that schools and LEAs can properly implement school improvement activities to increase the quality of instruction for students and ultimately improve the academic achievement of students.

Kentucky has set the following annual measurable objectives (AMOs) in reading and mathematics for the 2008–09 and 2009–10 school years:

AMOs in Reading and Mathematic by School Year and School Configuration												
Scho ol Year	Elementary		Middle		High		Primary - 08		Primary - 12		07 - 12	
	Readi ng	Mat h	Readi ng	Mat h	Readi ng	Mat h	Readi ng	Mat h	Readi ng	Mat h	Readi ng	Mat h
2008 -09	67.04	51.5 3	66.00	47.8 1	49.54	49.8 5	66.53	49.6 7	60.86	49.7 3	57.77	48.8 3
2009 -10	73.64	61.2 3	72.80	58.2 5	59.63	59.8 8	73.22	59.7 4	68.69	59.7 9	66.22	59.0 7

Kentucky will determine AYP based on assessments administered in the 2008–09 and 2009–10 school years in accordance with the requirements of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (ESEA). As noted above, Kentucky believes that providing the

state with the time necessary to carry out its assessment timeline as planned will allow it to ensure that school improvement decisions for the 2009–10 school year are based on valid and reliable AYP determinations.

Prior to submitting this waiver request, Kentucky provided all LEAs in the state with notice and a reasonable opportunity to comment on this request. Kentucky provided such notice by e-mail to all school district superintendents, inviting the districts to comment on the waiver request. A copy of the e-mail is included as Attachment C. LEAs had until close of business on Friday, July 31, to provide comments on the waiver request, and those comments were:

- “I support the waiver request of the NCLB 14-day parent notice requirement. Casey County students missed 9 days due to the ice storm in January and February.” – From Linda Hatter, Casey County Superintendent
- “We are in support of this waiver request to delay parent notification of school choice until we know the status of our NCLB assessment results. Please let me know if you need additional information from any of us.” – From Harrie Buecker, Franklin County Superintendent
- “If we are focusing on doing what is best for students, September, after they have already started school, is too late. Transitions are hard enough for any child. Compound all the other barriers and then move a child after school starts is not beneficial. If we are doing what is best for students, we should give the 14 days and only allow students that are not meeting proficiency (based upon the school's formative assessment processes) the option to choose before school starts. Basically, no, I do not think a waiver should be necessary. Shouldn't a school know (based on formative assessments) whether or not they will or will not meet AYP? (Sure, there will be surprises but for the most part, we know, and should go ahead and give notification - if we really want to do what is best for students). Just my thoughts.” – From Shelli L. Wilson, Campbell County Associate Superintendent

Kentucky also has provided notice and information regarding this waiver request to the public by posting it on the Kentucky Department of Education's Web site at:

<http://www.education.ky.gov/KDE/Administrative+Resources/Federal+Programs+and+Instructional+Equity/Title+Programs/Title+I+Part+A+Improving+Academic+Achievement+of+the+Disadvantaged.htm>. It also is linked from the main Web page at <http://www.education.ky.gov/KDE/>. A copy of the Web posting is included as Attachment D.

Kentucky hereby assures that, if it is granted the requested waiver, it and its LEAs will meet the following conditions:

- LEAs within the state will provide notice of public school choice less than 14 days before the school year only with respect to students in schools that are newly identified for improvement for the 2009–10 school year (based on results of assessments administered in the 2008–09 school year) or that could possibly have exited improvement, corrective action, or restructuring for the 2009–10 school year (based on results of assessments administered in the 2008–09 school year).
- All LEAs within the state will comply with the 14-day notice requirement with respect to students in schools that are already identified for improvement, corrective action or restructuring and cannot exit that status for the 2009–10 school year.

- All LEAs within the state will comply with the statutory requirement in section 1116(b) to provide notice of public school choice before the start of the school year or upon determination of AYP in mid-September.
- The state will encourage all LEAs to provide notice of public school choice as early as possible and, ideally, at least 30 days before the start of the school year.
- LEAs that offer public school choice earlier to students in some schools than to students in other schools will reserve a portion of the available transportation slots for students in the schools who receive the later notice, in accordance with the Department's Public School Choice Non-Regulatory Guidance.
- The state will take all steps necessary to ensure that its assessment schedule and test vendor contract for the 2009–10 school year (and beyond) will permit LEAs within the state to provide notice of public school choice sufficiently in advance of, but no later than 14 days before, the start of the 2010–11 school year (and all subsequent school years).

Kentucky will ensure compliance with the conditions specific to the waiver by providing appropriate guidance regarding these conditions to its LEAs. In anticipation that the waiver will be granted and due to the short timeline prior to schools starting, Kentucky has already sent e-mails to the following groups of districts with affected schools providing guidance on the steps they need to take in order to be in compliance with federal law:

- Title I schools whose AYP status remains unchanged by the release of this year's test results that must continue to meet the requirement to provide notice of school choice at least 14 days before the start of school
- schools that could be newly identified for improvement status in 2009–10
- schools that are eligible to exit improvement, corrective action, or restructuring in 2009–10

Copies of these e-mail messages are included as Attachment E. As to taking the steps necessary to ensure that Kentucky's assessment schedule and test vendor contract for 2009–10 school year and beyond will allow notice of public school choice at least 14 days before the start of the 2010–11 school year, the state has moved its testing window to April to provide an additional 15 days for work by the vendor on scoring. In the past, this schedule has enabled Kentucky to provide assessment results to districts/schools in time to meet the required 14-day notice requirement, and it is fully expected that we will meet it before the start of the 2010–11 school year and beyond. The vendor has agreed to this schedule, and schools and districts have already been notified as well.

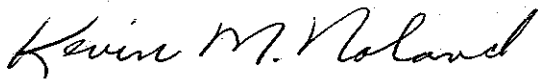
Kentucky further assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2010, a report that provides the total number of LEAs within the state that had schools that entered or exited improvement status in the 2009–10 school year and the total number of LEAs within the state that took advantage of the waiver and provided some parents notice of public school choice less than 14 days before the start of the 2009–10 school year.

Please feel free to contact Ken Draut, associate commissioner of the Office of Assessment and Accountability, at (502) 564-2256 or via e-mail at ken.draut@education.ky.gov for questions on issues specific to assessment. For issues specific to Title I, please contact Debbie Hicks, director

of the Division of Federal Programs and Instructional Equity, at (502) 564-3791 or via e-mail at debbie.hicks@education.ky.gov.

Thank you for your consideration of Kentucky's waiver request.

Sincerely,



Kevin M. Noland

cc: Kentucky Board of Education members Mary Ann Miller
Patrick Rooney Zollie Stevenson, Jr.
David Harmon Ken Draut
Vicki Robinson Johnnie Grissom
Debbie Hicks

Attachments:

Attachment A – April 23, 2009, Request to amend Kentucky's State Application Accountability Workbook and Attachment to April 23, 2009 letter

Attachment B – Third Federal Disaster Declaration, Impact on Belfry Middle School, Pike County

Attachment C – Copy of e-mail notice of waiver to all local school districts inviting them to comment

Attachment D – Copy of posting of public notice of waiver request on Kentucky Department of Education's Web site

Attachment E – Copy of e-mails to school districts with affected schools providing guidance to meet federal requirements

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Elaine Farris
Interim Commissioner of Education

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April 23, 2009

Mr. Joseph C. Conaty
Delegated Authority to Perform the Functions and Duties of the
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW, Suite 3E314
Washington, D.C. 20202

Re: Request to amend Kentucky's State Application Accountability Workbook

Dear Mr. Conaty:

Kentucky is seeking approval to amend Kentucky's State Application Accountability Workbook for the 2009 reporting component of the No Child Left Behind (NCLB) Act. Kentucky requests a delay of public reporting of NCLB results until the week of September 21, 2009. This request is based primarily on two significant, federally declared disasters associated with weather conditions occurring in Kentucky during the 2008-2009 school year: (1) severe windstorm associated with Tropical Depression Ike in September 2008 and (2) severe ice storm in January 2009.

In December 2008, the United States Department of Education (USED) informed Kentucky that the 2007-08 reporting date was missed by four days. We immediately contacted our vendor to discuss options of moving the reporting date earlier even though the testing window for 2008-09 had been moved later in the year. While discussing options, Kentucky was hit with a second significant storm in January. Subsequently, districts were faced with having less instructional days prior to the testing window, thus potentially affecting their test results. The loss of instructional days was the cause for us to move the spring 2009 testing window even later in the year. Movement of the testing window to late May makes it impossible, both fiscally and logistically, for our vendor to return results prior to September.

While Kentucky recognizes the importance and legality of providing assessment results to local education agencies, schools, and teachers "no later than before the beginning of the next school year", the one-time schedule change will assure that reporting is based on stable data and

accurately reflects the performance of Kentucky's schools. It is important to point out that Kentucky is not requesting schools to be exempted from NCLB consequences due to the weather and lost instructional day issues, but Kentucky is requesting a later reporting date.

The remainder of this document outlines in more detail the following information:

- 89% compliance under section 1111 of the ESEA to provide decisions about AYP in time for schools to implement the required provisions under section 1116 before the beginning of the next academic year;
- Background on the Federal Weather Disasters and impact on schools;
- Background on the Kerri L. Briggs USED Reporting Compliance Letter; and
- Schedule/timeline showing steps Kentucky is taking to meet the September reporting date.

89% compliance under section 1111 of the ESEA

Under section 1111 of the ESEA, states are required to provide decisions about AYP in time for schools to implement the required provisions under section 1116 before the beginning of the next academic year. Our analysis of school performance indicates that 89% of schools are not affected by the delayed reporting of AYP performance. Only 11% of Title 1 schools are candidates for entering consequences or coming out of consequences.

Kentucky will notify districts and schools in May 2009 that remain or will enter consequences for 2009-2010 school year based on:

- 2007 and 2008 performance and the two-year rule to exit and elementary and middle schools as identified through "Other Academic Indicator".
- High schools that are in consequences because of not meeting graduation rate. Kentucky releases non-academic school, district and state findings in May for the previous school year.

Kentucky can significantly meet the transfer requirement and other consequences for schools based on their pattern associated with the two-year rule of being removed from Tier status; therefore, the great majority of Title 1 schools in Kentucky can comply with the requirements to offer transfer choice and to begin their work on other NCLB consequences beginning the spring of 2009.

Background on the Federal Weather Disasters

As mentioned earlier, Kentucky has experienced two weather related disasters this school year. A September 2008 severe wind storm associated with tropical depression Ike occurred and an ice storm hit in January/February 2009. Most Kentucky schools were closed for an extended period of time and will have a significant reduction in instructional days prior to the testing window. Both events were severe enough to receive a Federal Disaster Declaration. The following chart summarizes the impact on Kentucky school districts and students.

Kentucky Federal Disaster Declaration

Kentucky school districts (county and independent) and students impacted by the severe wind storm associated with tropical depression Ike and the January / February 2009 ice storm are depicted below.

Federal Disaster Counties	Severe Wind Storm (Ike) * September 2008	Ice Storm Jan/Feb 2009
Impacted School Districts	53	141
% Impacted School Districts	30%	81%
Impacted Students	281,246	574,469
% Impacted Students	43%	87%

* Severe wind storm disaster counties were also seriously affected by the ice storm and were again declared Federal disaster counties.

Attached are FEMA documents about the Federal declaration and maps showing Kentucky counties eligible for Federal assistance. The FEMA web locations are:

Tropic Depression Ike – September 14-15, 2008

Declaration: <http://www.fema.gov/news/newsrelease.fema?id=46162>

Map: http://www.gismaps.fema.gov/2008graphics/dr1802/dec_1802.pdf

Winter Ice Storm - January 26, 2009 - February 13, 2009

Declaration: <http://www.fema.gov/news/newsrelease.fema?id=47472>

Map: http://www.gismaps.fema.gov/2009graphics/em3302/em_3302.pdf

Also attached is a summary document showing how districts were impacted by each event.

The number of days schools were closed due to the ice storm varied from about a week to as many as three weeks. Roads were not passable, counties depleted their salt supplies, and large sections of the state were without electricity and telephone service, both wire and wireless. Schools were being used as evacuation shelters and quarters for out-of-state emergency workers. Simply put, Kentucky's infrastructure was in shambles. Three months after the Ice Storm, the sides of many roads are still littered with broken tree branches that were just bulldozed off of the asphalt to make the roads useable. In monetary terms, federal disaster assistance to Kentucky may pass \$250 million. To date over 1,700 project requests from more than 650 state agencies, local governments and non-profit organizations have been received by FEMA.

School districts have been forced to extend the school year to make up lost instructional days from the September and January/February weather events. Since NCLB is high stakes accountability and to allow schools the same number of instructional days before the start of the state assessment, the Kentucky Board of Education approved a flexible testing window that allows for state testing to happen later in the school year. The following chart summarizes the original and the new test administration schedule.

Original Testing Window Schedule

Window	Start Date
All Schools	May 4

New Test Administration Window Schedule

Window	Start Date
Window 1	April 20
Window 2	April 27
Window 3	May 4
Window 4	May 11

With over one-third of students scheduled to be tested in Window 4, our testing contractor is not able to handle the workload and meet the start-of-school reporting schedule. They have other state contracts that have similar reporting schedules and are not in a position to put Kentucky ahead of those contracts. To meet the schedule our testing contractor would need to hire a significant number of additional temporary staff and rent equipment and additional space. The estimate of costs far exceeds what Kentucky can afford to pay. Kentucky, like most states, is in financial difficulty because of the economy.

Kerri L. Briggs USED Reporting Compliance Letter

Kentucky recognizes the importance and legality of providing assessment results to local education agencies, schools, and teachers "no later than before the beginning of the next school year". In December 2008, Kentucky was in receipt of a letter from Kerri L. Briggs, Assistant Secretary for Elementary and Secondary Education. The letter shared that USED felt that Kentucky was expected to report 2008 AYP determinations to LEAs five calendar days earlier than what occurred. The letter emphasized the importance of reporting results on time, possible future legal implications and the expectation that Kentucky shall report 2009 AYP findings on schedule.

When Jon Draud became Commissioner of Education in December 2007, he desired to move the testing window nearer to the end of the school year. In January 2008, the testing contractor was consulted about moving the testing window from the last two weeks of April to the first two weeks of May. At that time, there did not appear to be a problem with reporting times. One year later in December 2008, the Kerri L. Briggs letter was received and the testing contractor was again consulted. We were in conversations with our contractor when the January ice storm crippled Kentucky. Once the magnitude of the storm's impact was realized, our primary concern was how to provide a full year's instruction to Kentucky students. After conversations with LEAs on best approaches, the decision to extend the school year was reached and to accommodate the different school year closing dates, a flexible testing window was developed with four different start dates. Thus, a shift in the testing window due to the natural disasters is resulting in a shift in reporting of AYP determinations.

Schedule/Timeline Showing Steps Kentucky is Implementing to Meet September Dates

Obviously, Kentucky wishes to report the 2009 assessment results earlier. Just as critical is reporting accurate test results. Attached is a project schedule providing an outline of activities remaining to be accomplished for the reporting of test results.

If you have questions, please contact Ken Draut at 502-564-2256 or via email at Ken.Draut@education.ky.gov. Thank you for consideration of this request. Please contact us if you have questions. We look forward to hearing back from you soon on this matter.

Sincerely,




Elaine Farris

cc: Kentucky Board of Education members
Patrick Rooney
David Harmon
Vickie Robinson

Mary Ann Miller
Zollie Stevenson, Jr.
Ken Draut

Attachments


FEMA

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- Multimedia
- Testimony & Speeches
- Noticias En Español
- Press Contacts
- Additional Resources

President Declares Major Disaster For Kentucky

Release Date: October 9, 2008
Release Number: HQ-08-236

[More Information on Kentucky Severe Wind Storm associated with Tropical Depression Ike](#)

[En Español](#)

WASHINGTON, D.C. – The head of the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) today announced that federal disaster aid has been made available for Kentucky to supplement Commonwealth and local recovery efforts in the area struck by a severe wind storm associated with Tropical Depression Ike on September 14, 2008.

FEMA Administrator David Paulison said the assistance was authorized under a major disaster declaration issued for the commonwealth by President Bush. The President's action makes federal funding available to the Commonwealth and eligible local governments and certain private nonprofit organizations on a cost-sharing basis for emergency work and the repair or replacement of facilities damaged by the severe wind storm associated with Tropical Depression Ike in the counties of Ballard, Boone, Breckenridge, Bullitt, Caldwell, Calloway, Campbell, Carlisle, Carroll, Crittenden, Daviess, Fulton, Gallatin, Graves, Hancock, Henderson, Hickman, Hopkins, Jefferson, Livingston, Lyon, Marshall, Maade, McCracken, McLean, Muhlenberg, Ohio, Oldham, Shelby, Trigg, Trimble, Union, and Webster.

Federal funding is also available on a cost-sharing basis for hazard mitigation measures for the entire Commonwealth.

Paulison named Kim R. Kadesch as the Federal Coordinating Officer for federal recovery operations in the affected area.

FEMA said additional designations may be made at a later date if requested by the commonwealth and warranted by the results of further damage assessments.

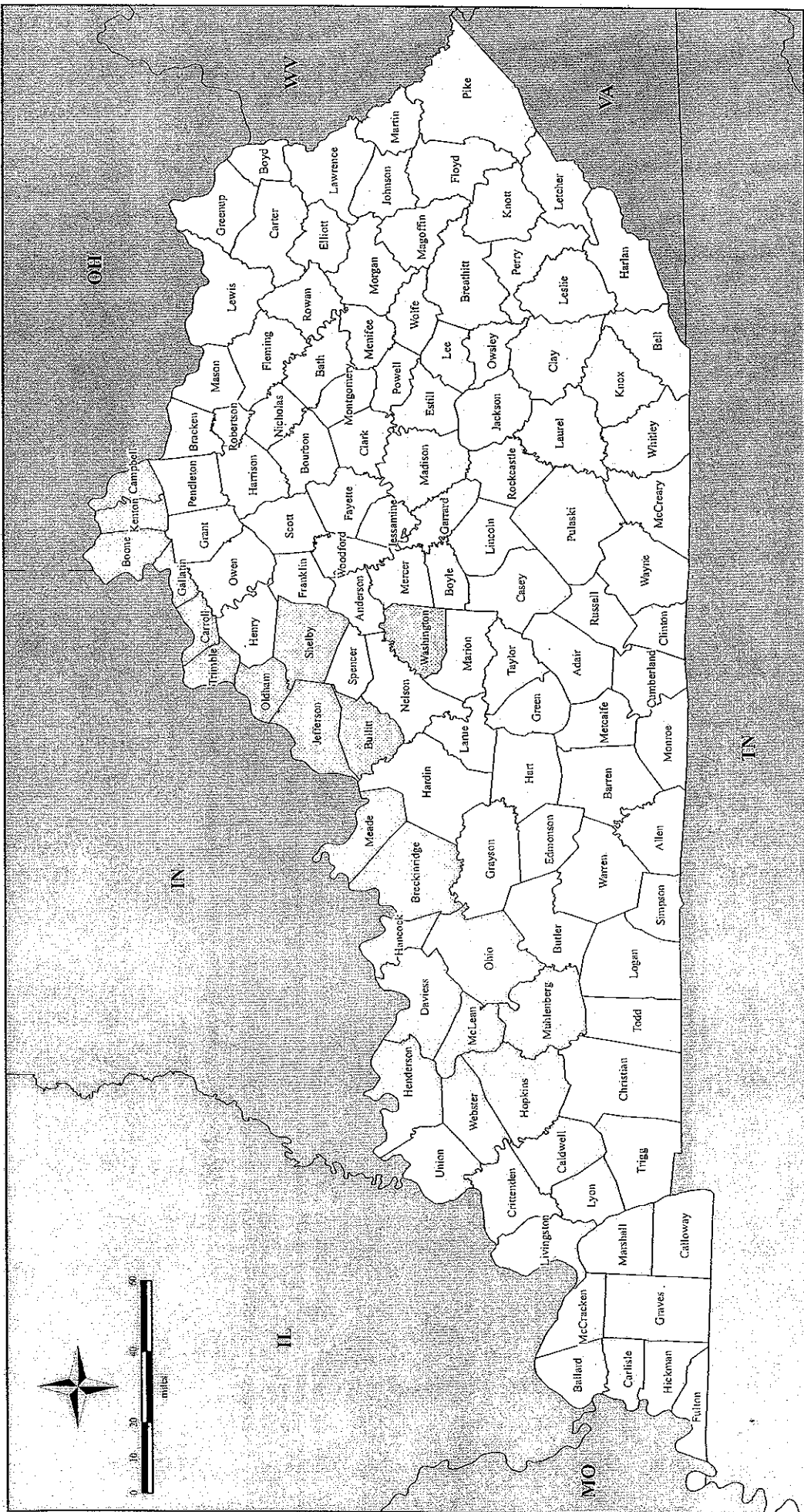
FEMA coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror.

Last Modified: Thursday, 09-Oct-2008 20:21:25

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FEMA 500 C Street SW, Washington, D.C. 20472
Disaster Assistance: (800) 621-FEMA

Attachments Cited in
Attachment A



A map of the Eastern United States showing the study area in black. The study area is a rectangular region covering parts of Pennsylvania (PA), Ohio (OH), Indiana (IN), Illinois (IL), Kentucky (KY), Tennessee (TN), and North Carolina (NC). Other states shown include West Virginia (WV), Virginia (VA), South Carolina (SC), Georgia (GA), Alabama (AL), Mississippi (MS), and Arkansas (AR). The map includes state boundaries and the names of the states.

Designated Counties	<input type="checkbox"/> No Designation	<input type="checkbox"/> Public Assistance
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All counties are eligible for Hazard Mitigation



FINA

ITS Mapping & Analysis Center
Washington, DC
10/27/08 -- 12:21 PM EDT

Source: Disaster Federal Registry Notice
Amendment No. 2 - 10/27/2008



Press Resources

News Releases
Advisories
Fact Sheets

Other Resources

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Testimony & Speeches
Noticias En Español
Press Contacts
Additional Resources

Seven More Kentucky Counties Eligible For Emergency Aid

Release Date: February 13, 2009
Release Number: 1818-014A

[More Information on Kentucky Severe Winter Storm](#)

FRANKFORT, KY – Local governments in an additional seven Kentucky counties are now eligible for direct federal assistance under the emergency declaration for the severe winter storm that began Jan. 27, according to officials from the U.S. Department of Homeland Security's Federal Emergency Management Agency.

The added counties are Boone, Casey, Gallatin, Henry, Kenton, Taylor and Trimble.

President Obama signed the emergency declaration Wednesday, Jan. 28. The additional seven counties bring the total number of federally designated counties to 100 for the emergency.

The previously designated counties are Allen, Anderson, Ballard, Barren, Bath, Bourbon, Boyd, Boyle, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Campbell, Carlisle, Carroll, Carter, Christian, Clark, Clay, Crittenden, Daviess, Edmonson, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Fulton, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Johnson, Larue, Lawrence, Lee, Lewis, Lincoln, Livingston, Logan, Lyon, Madison, Magoffin, Marion, Marshall, Martin, Mason, McCracken, McLean, Meade, Menifee, Mercer, Metcalfe, Montgomery, Morgan, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Owsley, Pendleton, Perry, Powell, Rowan, Robertson, Scott, Shelby, Spencer, Todd, Trigg, Union, Warren, Washington, Webster, Wolfe and Woodford.

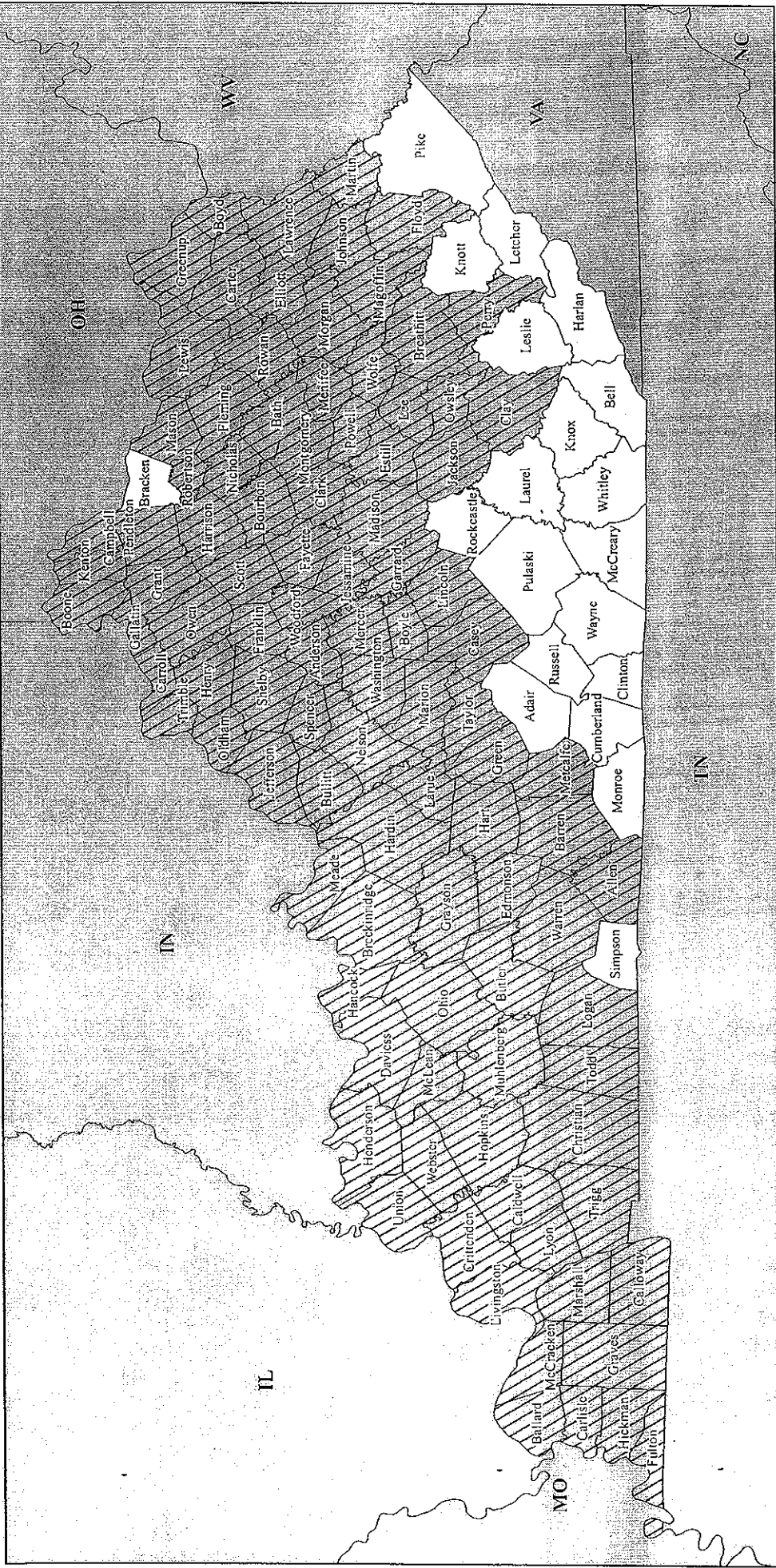
The emergency declaration makes federal funding, authorized under Title V of the Stafford Act, available to state and eligible local governments and certain private nonprofit organizations on a cost-sharing basis to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas.

Specifically, FEMA is authorized to provide emergency protective measures (Category B), limited to direct federal assistance, under the Public Assistance program at 75 percent federal funding.

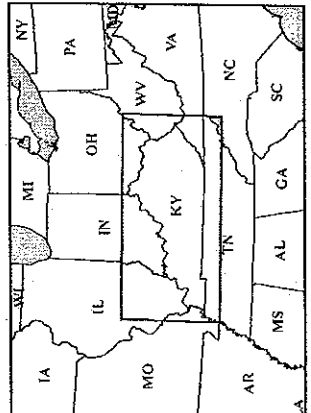
FEMA leads and supports the nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation, to reduce the loss of life and property and protect the nation from all hazards including natural disasters, acts of terrorism, and other man-made disasters.

Last Modified: Tuesday, 17-Feb-2009 10:26:57

FEMA-3302-EM, Kentucky

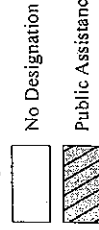


Location Map



Legend

gnated Counties



Miles

0 5 10 20 30



FEMA

ITS Mapping & Analysis Center
Washington, DC

02/12/09 -- 02:56 PM EST

Source: Disaster Federal Registry Notice
Amendment No. 2 - 02/12/2009

**Kentucky School Districts Impacted by Weather Closures
April 2009**

DIST. NO.	DISTRICT	IKE Sept. 2008	ICE STORM Jan/Feb 2009
001	Adair County		
005	Allen County		X
006	Anchorage Independent	X	X
011	Anderson County		X
012	Ashland Independent		X
013	Augusta Independent		
015	Ballard County	X	X
016	Barbourville Independent		
017	Bardstown Independent		X
021	Barren County		X
025	Bath County		X
026	Beechwood Independent	X	X
031	Bell County		
032	Bellevue Independent	X	X
034	Berea Independent		X
035	Boone County	X	X
041	Bourbon County	X	X
042	Bowling Green Independent		X
045	Boyd County		X
051	Boyle County		X
055	Bracken County		
061	Breathitt County		X
065	Breckinridge County	X	X
071	Bullitt County	X	X
072	Burgin Independent		X
075	Butler County		X
081	Caldwell County	X	X
085	Calloway County	X	X
091	Campbell County	X	X
092	Campbellsville Independent		X
095	Carlisle County	X	X
101	Carroll County	X	X
105	Carter County		X
111	Casey County		X
113	Caverna Independent		X
115	Christian County		X
121	Clark County		X
125	Clay County		X
131	Clinton County		
132	Cloverport Independent	X	X
133	Corbin Independent		
134	Covington Independent	X	X
135	Crittenden County	X	X
141	Cumberland County		
143	Danville Independent		X
145	Daviess County	X	X
146	Dawson Springs Independent		
147	Dayton Independent	X	X

Attachment B
Kentucky's Third Federal Disaster Declaration
Impact on Belfry Middle School, Pike County

Pike County schools began administering Kentucky's state-required assessments on Monday, May 4, 2009. On Friday evening, May 8, significant rainfall occurred in Pike and surrounding counties in eastern Kentucky. By Saturday morning, many area roads, homes, businesses and public buildings were significantly damaged by flood waters.

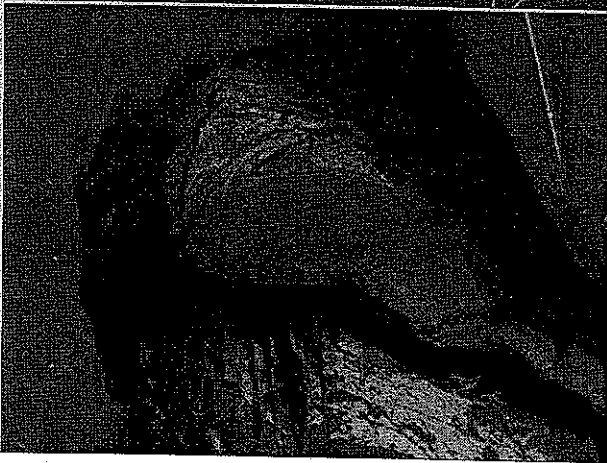
At approximately 8 a.m. on Saturday, May 9, James Hurley, principal of Belfry Middle School, and Carlette Kiser-Harris, district assessment coordinator for the Pike County school district, contacted Rhonda Sims, director of the Division of Assessment Support in the Kentucky Department of Education's (KDE's) Office of Assessment and Accountability to alert KDE about the flooding of Belfry Middle School and the potential damage of test materials. *Note: Johns Creek Elementary also was flooded, but test materials were removed from the building before water damaged them. Other schools had a number of families impacted.*

Students at Belfry had nearly completed testing for the content areas required by No Child Left Behind (NCLB). Test booklets were locked in storage cabinets, consistent with security rules, inside the guidance offices in the basement of the school. When leaving school on Friday afternoon, the weather forecast called for spring rain, but did not suggest possible flooding for the area. School and district officials were not particularly concerned about flooding at Belfry. Belfry Middle School was in the remodeled building previously used as a high school. The school building had never flooded in 70-plus years of operation.

As flood waters were rising, Principal Hurley and custodians attempted to reach Belfry Middle by boat, but conditions were too dangerous to reach test materials in the basement. After the flood water receded enough to enter the basement, officials found that the storage cabinets had been turned over by the force of the water, and no test materials were salvageable. The stacked test booklets were covered with water and mud. The mud contained coal mine residue that is considered hazardous. Test booklets had be scooped by coal shovel into biohazard bags. The bags were delivered to the central office to be destroyed according to OSHA standards.

Early in the process, school officials were interested in retesting. School administrators were eager to see the impact of several instructional changes implemented this year on student performance. As the full extent of damage to the school, local roads, the community and the homes and lives of students was realized, retesting was considered not appropriate or feasible. The Belfry Middle School building was condemned. The Pike County Board of Education, at its May 20 meeting, approved the closing of Belfry Middle and Johns Creek Elementary for the remainder of the school year without the return of students.

The following pictures of test booklets were taken before the materials were destroyed.




Test booklets covered with
mud and coal mine residue.
(Right)

Test booklets in biohazard
bags prior to destruction.
(Above)

The impact to Belfry MS happened as part of weather disaster in eastern Kentucky. A Federal Disaster Declaration was declared on May 29, 2009. The declaration is available on FEMA's at <http://www.fema.gov/news/event.fema?id=11528>.

A printout of the declaration and map follow:

FEMA Disaster Declaration – Kentucky May 2009

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Declared May 29, 2009


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Preliminary Damage Assessment

- [Kentucky FEMA-1841-DR \(PDF 23KB\)](#)

Download Plug-In

Some of the links on this page require a plug-in to view them. Links to the plug-ins are available below.

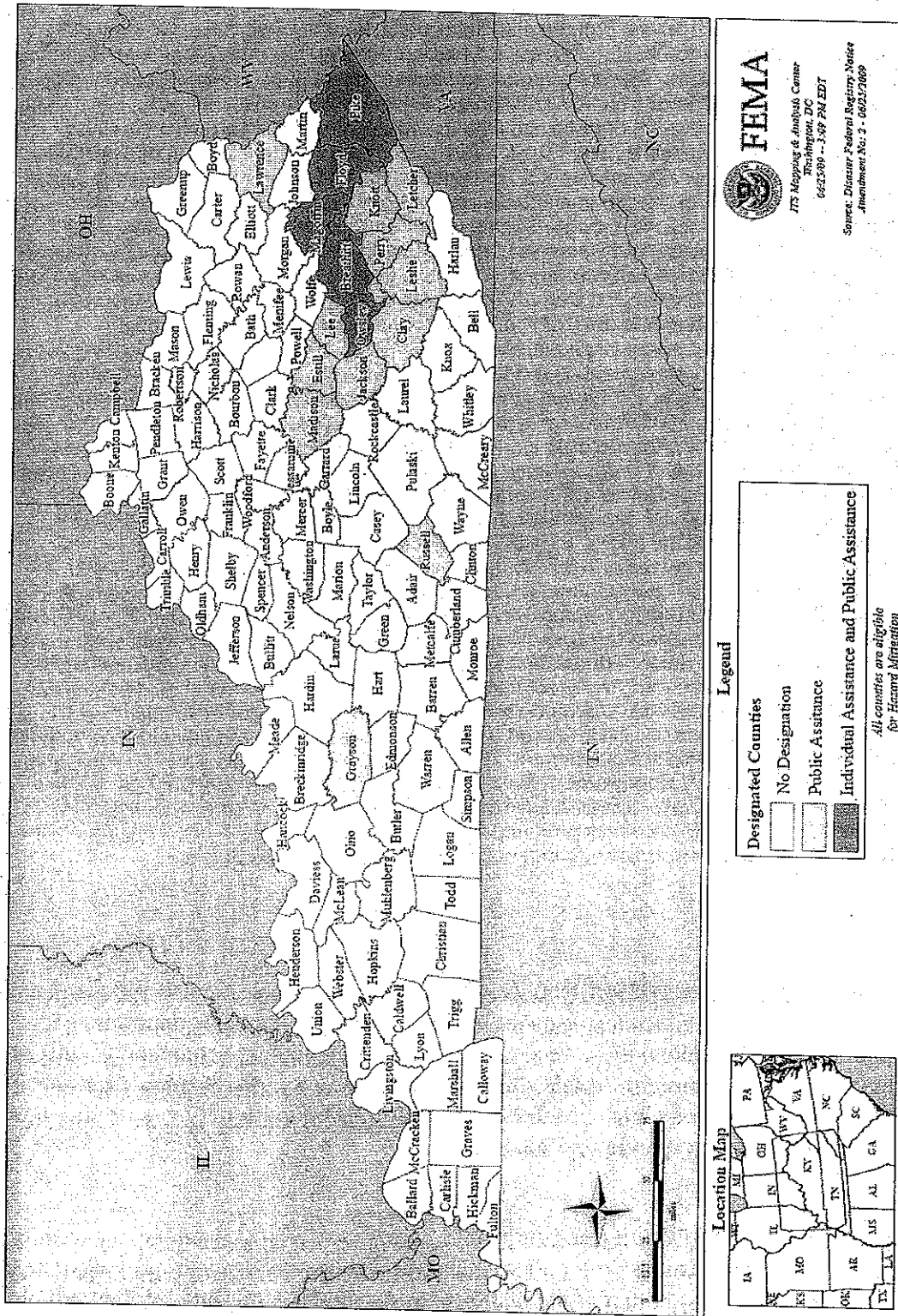
[» Adobe Acrobat \(PDF\)](#)

Last Modified: Monday, 27-Jul-2009 13:01:03

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FEMA Disaster Declaration Map -- Kentucky May 2009



MapID 9acaa8cb510625091311hprod